IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 14TH AUGUST 2006 / 23RD SRAVANA 1928

WP(C).No. 12887 of 2006(H)

PETITIONER:

P.P.RAVINDRAN, S/O.GOPALAN,
TYRE INSPECTOR, K.S.R.T.C, PATHANAMTHITTA.

BY ADV. SRI.SUNIL V.MOHAMMED

RESPONDENTS:
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1. THE KERALA STATE ROAD TRANSPORT CORPORATION, REP. BY THE MANAGING DIRECTOR, THIRUVANANTHAPURAM.

2. THE ASST. TRANSPORT OFFICER, K.S.R.T.C., PATHANAMTHITTA.

3. THE SECRETARY, KERALA STATE TRANSPORT WORKERS' CO-OPERATIVE SOCIETY LTD.,NO.1.133, AYYAPPAN KOVIL ROAD, THIRUVANANTHAPURAM-695 001.

BY ADV. SRI.N.UNNIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/08/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

EXT.P1: TRUE COPY OF SALARY RECOVERY NOTICE DT. 2/3/2006 ISSUED BY R3.

EXT.P2: TRUE COPY OF RECEIPT DT. 26/9/98 BY R3.

EXT.P3: TRUE COPY OF CERTIFICATE OF SALARY RECOVERY.

EXT.P4: TRUE COPY OF JUDGMENT DT. 26/6/2003.

RESPONDENTS' EXHIBITS;

EXT.R3(A): TRUE COPY OF STATEMENT OF RECOVERY POSITION OF P.P.ARAVINDAN, PETITIONER IN WP.12887/06.

A.K. Basheer, J.

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W.P(C) N0. 12887 of 2006

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Dated this the 14th day of August, 2006.

J U D G M E N T

Petitioner is an employee of the Kerala State Road Transport Corporation. He had availed of a loan from the Kerala State Transport Workers' Co-operative Society Ltd. (for short, the Society). Petitioner had authorized the Corporation to recover monthly instalments payable to the Society towards the loan account from his salary. It is the admitted position that the Corporation had effected such recovery every month. But it appears that there was some delay on the part of the Corporation in remitting the amounts to the loan account of the Society. By Ext.P1 recovery notice issued by the Society respondent No.2 was directed to effect recovery at the rate of Rs.1684/- for 5 months from the salary of the petitioner and remit it to the Society. Learned counsel submits that since the entire amount payable to the Society had already been recovered from the petitioner, the Society cannot effect any recovery from his salary .

2. In the counter affidavit field by the Society it is admitted that the entire amount payable by the petitioner had already been recovered but there was delay on the part of the Corporation to remit it to the Society. Now a balance of Rs.8002/- still remains to be remitted by the Corporation.

3. If that be the position, the petitioner cannot be held liable for the delay. The Society has to recover the amounts, if any, from the Corporation.

4. Therefore Ext.P1 is quashed. It will be open to the Society to

proceed against the Corporation to recover whatever amounts are due to it from the Corporation towards the loan account of the petitioner. At this stage learned counsel for the Corporation submits that the entire balance amount will be paid by the Corporation, if some reasonable time is granted.

In the facts and circumstances this writ petition is disposed of with a direction to the Corporation to remit the balance amount as indicated in Ext.R3(A), within two months from the date of receipt of a copy of this judgment.

A.K. Basheer
Judge.

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